

### **REMARKS/ARGUMENTS**

Claims 1 to 14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 9 to 13 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hannon (5,628,166) in view of Hermann (3,607,547). Claims 1 and 14 have been indicated as being allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph. Claims 2 to 8 have been indicated as being allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Claims 1, 9 and 14 have been amended. Claims 15 to 17 have been canceled without prejudice.

Reconsideration of the application is respectfully requested.

#### **35 U.S.C. 112 Rejections**

Claims 1 to 14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1 and 14 have been indicated as being allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph. Claims 2 to 8 have been indicated as being allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Claims 1, 9 and 14 have been amended.

The term “function” has been eliminated. The term “determined” has been changed to sensing. As described at [0042] for example a sensor 24 can sense a product is missing in front of pin 26, and thus the number of missing printed products in a printed product stream can be determined.

The wrapping machine may be any such device, as for instance, the newspaper bagger in Hannon or that discussed in the prior art section of the present application, and those of skill in the art are familiar with such devices. Since the wrapping device forms a bag for each product space in the printed product stream, if a gap is present the wrapping device makes an empty bag (see prior art description at [0005]), and this clearly is the same material as the bags used to wrap

the printed material. Whether the bag is preformed or manufactured by the machine is irrelevant for the present invention, and either is possible.

To further clarify this feature however, claims 1, 9 and 14 now recite “operating the wrapping machine while the single product gap passes through the wrapper machine so as to create at least one empty bag,” “operating the wrapping machine while the reduced-size incoming gap passes through the wrapping machine so that at least one empty bag is created” and “operating the wrapping machine to create at least one empty bag in the wrapping machine”, respectively. Support is found at [0052] for example.

Withdrawal of the rejection to the claims is respectfully requested.

### 35 U.S.C. 103 Rejections

Claims 9 to 13 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hannon (5,628,166) in view of Hermann (3,607,547).


Claim 9 has been amended to recite “operating the wrapping machine while the reduced-size incoming gap passes through the wrapping machine so that at least one empty bag is created” a feature not shown in Hannon or Harmon.

Withdrawal of the rejection to claim 9 and its dependent claims is respectfully requested.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
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